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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**OREGON PRESCRIPTION DRUG
MONITORING PROGRAM, an
agency of the STATE OF OREGON,**

Plaintiff,

v.

**UNITED STATES DRUG
ENFORCEMENT
ADMINISTRATION, an agency of the
UNITED STATES DEPARTMENT
OF JUSTICE,**

Defendant.

Case No.: 3:12-cv-02023-HA

**DEFENDANT'S CROSS-MOTION
FOR SUMMARY JUDGMENT
AGAINST PLAINTIFF**

**JOHN DOE 1, JOHN DOE 2, JOHN
DOE 3, JOHN DOE 4, DR. JAMES
ROE, and the AMERICAN CIVIL
LIBERTIES UNION OF OREGON,
INC.,**

Plaintiffs-Intervenors,

v.

**UNITED STATES DRUG
ENFORCEMENT
ADMINISTRATION, an agency of the
UNITED STATES DEPARTMENT
OF JUSTICE,**

Defendant in Intervention.

Defendant United States Drug Enforcement Administration (“DEA”), by S. Amanda Marshall, United States Attorney for the District of Oregon, through Assistant U.S. Attorney Kevin Danielson, moves this Court for summary judgment under Fed. R. Civ. P. 56 against Plaintiff Oregon Prescription Drug Monitoring Program (“PDMP”).

This cross-motion asks this Court to rule: (1) that ORS § 431.966(2)(a)(C) is preempted by federal law, and thus, the PDMP must obey a subpoena issued by the DEA under 21 U.S.C. § 876 without a court order; and (2) that PDMP may not refuse to obey a subpoena issued by the DEA under 21 U.S.C. § 876 unless it has a good-faith basis for not complying. In support of this cross-motion, DEA submits the accompanying memorandum of law.

Dated this 20th day of August 2013.

Respectfully submitted,

S. AMANDA MARSHALL
United States Attorney
District of Oregon

/s/ Kevin Danielson
KEVIN DANIELSON
Assistant United States Attorney
Attorneys for Defendant